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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,758	03/26/2004	Benjamin N. Eldridge	P127C1-US	9082

27520 7590 02/24/2005

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EXAMINER

BAYAT, BRADLEY B

ART UNIT PAPER NUMBER

3621

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/810,758

**Applicant(s)**

ELDRIDGE ET AL.

**Examiner**

Bradley Bayat

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Applicant has renumbered claims 54-63 to 25-34, amended claims 25-34 and added new claim 35 in the amendment filed on 12 November 2004. Thus, claims 25-35 are pending.

#### ***Response to Arguments***

Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive.

Applicant argues that the claimed invention is directed to a "probe card made by a method comprising": receiving over a network from prospective customer information describing a wafer to be tested, generating from the received information a proposed probe card design for testing the wafer, and communicating over the network with the prospective customer regarding acceptability of the proposed probe card design (applicant's response page 5). Applicant further contends that the cited reference, "Cooke does not mention or suggest making a probe card. Rather, Cooke is concerned solely with computer aided design of an integrated circuit (response p.5)." Cooke, according to the applicant, "does not disclose receiving design information over a network from a prospective customer, generating a proposed design, and communicating over the network with the prospective customer regarding acceptability of the proposed design (response p.5). The examiner respectfully disagrees.

Cooke discloses a design and verification process wherein virtual component diagnostic data and test input data sets are tailored to the particular desired architecture and stored in a database (column 11). The probe card, according to Cooke, is "customized to the design of the IC and includes multiple components to enable at-speed testing of the DUTs without requiring high bandwidth communication with the tester (column 12, lines 14-24)."

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In one embodiment, as described by Cooke, the tester includes a test controller, input translator and a test sequencer wherein the translation is performed on the probe card (column 12). Furthermore, Cooke discloses that the particular implementation of the probe card (see figure 10 and associated text) is such that it is customized for the particular IC design represented by the DUT, not unlike applicant's claimed invention (column 12).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 25-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooke, et al. (hereinafter Cooke), U.S. Patent 6,701,474 B2.**

As per the following claims, Cooke discloses:

Claim 25: A probe card made by a method comprising: receiving at a computer over a network from a prospective customer information describing a wafer to be tested, generating from said information-a verification package comprising a proposed design of said probe card for testing said wafer; and communicating over said network with said prospective customer regarding acceptability of said proposed probe card design (figures 1-4 and associated text; column 8; column 10, line 57-column 12, line 65).

Claim 26: The probe card of Claim 25, further comprising providing a graphical interface for use by said prospective customer to enable input of said information describing a wafer to be tested (column 5, lines 1-8; columns 11-12).

Claim 27: The probe card of Claim 26, wherein said graphical interface comprises at least one Web page (column 8).

Claim 28: The probe card of Claim 25, further comprising accepting an order from said prospective customer to manufacture said proposed probe card design (figure 4 and associated text).

Claim 29: The probe card of Claim 25, further comprising verifying said proposed probe card design (figures 4,5 and associated text; columns 11-12).

Claim 30: The probe card of Claim 25, wherein said verification package further comprises drawings of said proposed probe card design (figures 6,7 and associated text).

Claim 31: The probe card of Claim 25, wherein said communicating step further comprises notifying said prospective customer of proposed modifications to said proposed probe card design (column 17, line 57-column 18, line 23).

Claim 32: The probe card of Claim 29, wherein said verifying step further comprises simulating operation of said proposed probe card design (column 1, lines 13-34).

Claim 33: The probe card of Claim 29, wherein said verifying step further comprises performing an automated simulation of said proposed probe card design.

Claim 34: The system of Claim 29, wherein said verifying step further comprises performing a simulation based on particular specifications designated by said prospective customer (column 6, lines 40-51).

Claim 35: The probe card of claim 25 further comprising fabricating a probe card from said proposed probe card design (columns 14-15).

*Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner. The examiner's previous action is incorporated by reference.*

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

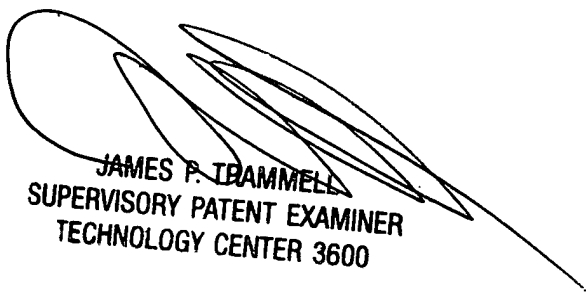
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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